

Members

Rep. Sheila Klinker, Chairperson  
Rep. Robert Alderman  
Sen. Marvin Riegsecker  
Sen. Rose Ann Antich  
Sylvia Marie Brantley  
Christopher Durholz  
Suda Hopkins  
Sally Lowery  
Ervin Picha  
Joanne Rains  
Thomas Van Meter  
Betty Williams



# INDIANA COMMISSION ON MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES

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Authority: P.L. 272-1999

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## MEETING MINUTES<sup>1</sup>

Meeting Date: October 30, 2000  
Meeting Time: 1:00 P.M.  
Meeting Place: State House, 200 W. Washington  
St., Room 404  
Meeting City: Indianapolis, Indiana  
Meeting Number: 4

**Members Present:** Rep. Sheila Klinker, Chairperson; Rep. Robert Alderman; Sen. Marvin Riegsecker; Sen. Rose Ann Antich; Suda Hopkins; Sally Lowery; Thomas Van Meter.

**Members Absent:** Sylvia Marie Brantley; Christopher Durholz; Ervin Picha; Joanne Rains; Betty Williams.

### Call to Order

Representative Klinker called the meeting to order at approximately 1:20 P.M.

### Implementation of 317 Task Force Plan

John Dickerson, Executive Director, The ARC of Indiana, showed the Commission a videotape that depicted several vignettes of individuals who have been able to receive services as a result of the 317 Task Force Plan and the appropriation from the General Assembly in 1999. The videotape also stressed the importance of continuing funding so

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<sup>1</sup> Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

that the 317 Plan can be fully implemented. (A copy of this videotape is on file with the Legislative Information Center, labeled "Exhibit A.")

Responding to questions from Commission members, Mr. Dickerson stated the following:

- Through August of this year, almost 1,000 individuals have benefitted from the first phase of the 317 Plan. It is anticipated that the Plan's target of assisting 1,700 individuals in the 1999-2001 biennium will be achieved.
- One of the main goals of the 317 Plan is to provide encouragement and information to individuals with disabilities on how to access services.
- Through funds appropriated to implement the 317 Plan, by the end of 2000, 330 individuals will have received 24-hour care and an additional 150 will have received services in an emergency situation. Approximately one out of three individuals receiving services funded with 317 funds are receiving those services through a Medicaid waiver.
- FSSA is currently in negotiations with a national expert to conduct a study of Indiana's waiver waiting lists similar to a study conducted recently in Pennsylvania. This study should enable FSSA to determine exactly how many people are waiting for services and what can be done to streamline the waiver waiting list process.
- After the waiting list study in Pennsylvania was completed, that state reduced its waiver application to one page that is used for all the state's waivers.

### **Proposed Legislation**

- PD 3463 (Exhibit B.)

Senator Riegsecker presented PD 3463 which prohibits a person who provides services under a program under the authority of DDARS from employing an individual with a documented history of sexually inappropriate behavior with a developmentally disabled individual. Senator Riegsecker reminded the Commission of the testimony of Mrs. Rose Damron at the Commission's last meeting that a criminal history check would not prevent an individual with a history of inappropriate behavior that had not resulted in a conviction from providing services to a disabled individual. Senator Riegsecker reaffirmed the need to protect individuals with developmental disabilities. By consent, the Commission amended PD 3463 by deleting "with a developmentally disabled individual" from page 1, lines 9 and 10. The Commission approved PD 3463, as amended, by a vote of 7-0.

- PD 3380 (Exhibit C.)

Senator Connie Lawson presented PD 3380 which requires the MRDD Commission to annually review the First Steps program. Senator Lawson stated that annual review is appropriate because the program, which is still relatively new, involves a large number of providers who serve many children and their families. The Commission approved PD 3380, as drafted, by a vote of 7-0.

- PD 3381 (Exhibit D.)

Senator Lawson presented PD 3381 which requires accreditation of providers of vocational rehabilitation services to adults. She explained that this language is the same language that was in SB 292-2000 and that she presented at an earlier Commission meeting. Costa Miller, Executive Director, INARF, expressed his support for the PD. Mr. Miller stated that FSSA policy currently requires vocational rehabilitation providers to be accredited by the Council on Accreditation of Rehabilitation Facilities (CARF) and that the PD puts that requirement into statute, as well as allowing providers to be accredited by organizations in addition to CARF. Karen Luehmann, Chair, Indiana Commission on Rehabilitation Services, expressed her support for the PD and stated that accreditation is important to assure the quality of services delivered. Susan Preble, Legislative Liaison, FSSA, expressed a concern with the PD because although CARF offers accreditation for

agencies that provide employment counseling, none of the accrediting organizations listed offer accreditation for independent providers of such services. Costa Miller stated that CARF has recently indicated that it will accredit independent providers in this area. Mr. Miller stated that the current cost of accreditation of an agency is \$1,000 per surveyor day. Senator Lawson informed the Commission that all current vocational rehabilitation providers are agencies and that now, before independent providers are added to the program, is a good time to establish some ground rules. The Commission, by a vote of 5 yeas and 2 nays, did not approve the PD.<sup>2</sup>

- PD 3541 (Exhibit E.)

Senator Lawson presented PD 3541 which, beginning July 1, 2003, requires accreditation of all individuals who provide certain services under the First Steps program. She explained that the PD establishes an advisory group composed of the various interested organizations and allows FSSA to establish exemptions from the accreditation requirement that are necessary to comply with federal law regarding the availability of services. She stated that an independent third party review is important to assure the quality of services. The Commission, by a vote of 4 yeas and 3 nays, did not approve the PD (see footnote 2).

- PD 3339 (Exhibit F.)

At the request of Representative Klinker, Carrie Cloud, staff attorney for the Commission, explained that PD 3339 requires FSSA to establish an emergency response program to assist individuals with both developmental disabilities and mental illness who are in crisis situations and appropriates \$1,000,000 for the 2001-2003 biennium to implement this program. Costa Miller, INARF, expressed support for the PD and informed the Commission that the Governor's State Operated Facilities Council recently recommended the creation of a single state entity to oversee services provided to dually diagnosed individuals. John Dickerson, The ARC of Indiana, also expressed support for the PD. He informed the Commission that there is a program in South Bend that specifically deals with dually diagnosed individuals, but that statewide those individuals often fall into the cracks between the mental health system and the developmental disabilities system and often end up in jail. Mr. Dickerson acknowledged that there was no scientific basis for the amount of the appropriation, but stated that any appropriation for such a program would need to be significant enough to allow the program to be implemented statewide. Currently, the annualized cost for providing emergency services to an individual with a developmental disability but not a mental illness is \$48,000. Representative Klinker noted the importance of having funding in place in order to get services delivered to the individuals who need them. The Commission approved PD 3339, as drafted, by a vote of 7-0.

- PD 3443 (Exhibit G.)

Miss Cloud explained that PD 3443, which was part of SB 370-2000, makes changes to the membership and meeting procedures of the community residential facilities council and requires council approval of an entity providing supported living services. The Commission approved PD 3443, as drafted, by a vote of 7-0.

- PD 3445 (Exhibit H.)

Miss Cloud explained that PD 3445, which was presented to the Commission at an earlier meeting, requires FSSA to choose nine counties to develop a pilot program to recruit and

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<sup>2</sup> The Legislative Council guidelines concerning study committee procedures state that a study committee may not recommend a bill draft unless that draft has been approved by a majority of the voting members appointed to serve on that committee. The Commission consists of twelve members, so seven affirmative votes are required to approve a bill draft.

train volunteers to serve as advocates for individuals with developmental disabilities who: (1) are involved in, or at risk of becoming involved in, the Indiana criminal justice system as suspects or defendants; or (2) are otherwise endangered and have no parent or legal guardian. The Commission approved PD 3445, as drafted, by a vote of 7-0.

- PD 3536 (Exhibit I.)

Miss Cloud explained that PD 3536 requires FSSA to contract with an individual or an organization to conduct a study of individuals with developmental disabilities who are involved in the Indiana criminal justice system and to report the results of the study to the MRDD Commission no later than September 1, 2003. The PD also appropriates \$500,000 for the 2001-2003 biennium to conduct the study. The issues required to be included in the study were those recommended in the DOC/FSSA study presented to the Commission at an earlier meeting. Representative Alderman acknowledged the need for gathering such information, but expressed the opinion that existing state agencies could provide this information. The PD failed due to lack of a motion.

- PD 3542 (Exhibit J.)

Representative Klinker explained that PD 3542 requires FSSA to increase the rates paid for certain services provided to developmentally disabled individuals. By consent, the Commission agreed to amend the PD for clarification purposes to reflect that the day services referred to in subsection (c) of the draft are adult day services as listed in 460 IAC 3.5-2-1. The Commission approved PD 3542, as amended, by a vote of 7-0.

- PD 3551 (Exhibit K.)

Miss Cloud explained that PD 3551, which was a part of SB 370-2000, establishes a registry of direct care staff and requires a criminal history check for direct care staff. The Commission directed Miss Cloud to correct a technical error in the PD (i.e., the omission of "exploitation of an endangered adult" in the list of crimes on page 7). The Commission approved PD 3551, including the technical correction, by a vote of 7-0.

- PD 3618 (Exhibit L.)

Miss Cloud explained that PD 3618 appropriates \$10,904,350 for 2001-2002 and \$28,438,817 for 2002-2003 for continued implementation of the 317 Task Force Plan. John Dickerson, The ARC of Indiana, presented the Commission with a handout (Exhibit M) that shows how these appropriation figures were developed, the number of individuals that these funds will provide services for, and the matching federal funds that are anticipated. The Commission, by a vote of 5 yeas and 2 nays, did not approve the PD (see footnote 2).

## **Final Report**

The Commission approved the draft final report (Exhibit N), as amended to reflect the Commission's actions at this meeting, by a vote of 7-0.

## **Adjournment**

There being no further business to come before the Commission, Representative Klinker adjourned the meeting at approximately 3:30 P.M.